

## SULLIVAN & CROMWELL LLP

TELEPHONE: 1-212-558-4000  
FACSIMILE: 1-212-558-3588  
WWW.SULLCROM.COM

*125 Broad Street*  
*New York, NY 10004-2498*

LOS ANGELES • PALO ALTO • WASHINGTON, D.C.

FRANKFURT • LONDON • PARIS

BEIJING • HONG KONG • TOKYO

MELBOURNE • SYDNEY

April 9, 2015

By ECF

The Honorable James C. Francis, IV,  
U.S. District Court for the  
Southern District of New York,  
500 Pearl Street,  
New York, NY 10007-1312.

Re: *Chen-Oster, et ano. v. Goldman, Sachs & Co., et ano.*  
No. 10 Civ. 6950 (AT) (JCF)

Dear Judge Francis:

We write, on behalf of Plaintiffs and Defendants, to seek clarification as to one aspect of the schedule going forward.

During the conference call with counsel on March 31, 2015, Your Honor set a schedule for briefing of Plaintiffs' March 24 motion for reconsideration of Your Honor's March 10 Report and Recommendation ("R&R"), as well as a motion to intervene. At the end of the conference call, counsel discussed with Your Honor the effect that the scheduling of these two new motions might have on the schedule for review of Your Honor's March 10 R&R. Judge Torres had on March 16 "so ordered" a briefing schedule jointly proposed by the parties, which established a consolidated briefing schedule for both (i) any objections to the R&R and (ii) any appeal of Your Honor's related March 10 Order determining various *Daubert* motions and a motion to exclude evidence.

After the March 31 conference call, Your Honor entered an Order stating that Your Honor had conferred with Judge Torres and that the briefing schedule ordered by Judge Torres for objections with respect to the R&R will be held in abeyance until after the two new motions are decided. In light of the fact that Judge Torres had earlier consolidated briefing with respect to both the R&R and the March 10 Order, we would assume that the stay entered March 31 applies to proceedings seeking review of the rulings in the March 10 Order as well as the R&R, but for obvious reasons think it appropriate to write to Your Honor seeking confirmation of that fact.

The Honorable James C. Francis, IV

-2-

We have conferred with Plaintiffs' counsel, who concur in this request.

Respectfully submitted,



Barbara B. Brown  
of Paul Hastings LLP



Theodore O. Rogers, Jr.  
of Sullivan & Cromwell LLP

cc: Kelly M. Dermody, Esq. (By ECF and E-Mail)  
(Lief Cabraser Heimann & Bernstein, LLP)

Adam T. Klein, Esq. (By ECF and E-Mail)  
(Outten & Golden LLP)